



Committee on Community Resources and the Northampton City Council

Committee Members:

Councilor Dennis P. Bidwell

Councilor Maureen T. Carney

Councilor Alisa F. Klein

Councilor Gina-Louise Sciarra

Meeting Minutes

Date: November 21, 2016

Time: 5:00 p.m.

**Location: City Council Chambers
212 Main St., Northampton, Massachusetts**

1. Meeting Called to Order and Roll Call

At 5:00 pm Councilor Sciarra called the meeting to order. She announced that the meeting was being audio and video recorded. On a roll call the following councilors were present: Councilor Sciarra, Councilor Bidwell, Councilor Klein, and Councilor Carney. No other City Councilors were present.

2. Public Comment

There was no public comment.

3. Approve Minutes from the October 17, 2016 meeting

Councilor Klein moved to approve the minutes of October 17, 2016. Councilor Bidwell seconded the motion.

Councilor Klein corrected the spelling of former Ward 4 City Councilor Pam Schwartz. Also, under the list of potential committee members to attend an expert panel discussion for Arts, Councilor Klein added an Arts Trust representative and a representative from the Center for the Arts. She was pretty sure these positions were suggested at the last meeting.

The minutes were approved as amended on a voice vote of 4 Yes, 0 No.

Meeting Minutes – Committee on Community Resources – November 21, 2016

1 of 8

4. Approve committee calendar for 2017

Councilor Klein moved to approve the committee's calendar of dates for 2017; Councilor Carney seconded the motion.

Councilor Sciarra observed that the committee will be meeting the fourth Monday in January, 2017 due to Martin Luther King Day on the normally scheduled day. She also noted that the committee will be meeting on Tuesday, April 18th, 2017 because April 17th is Patriot's Day.

Councilor Klein suggested skipping the July or August meeting. Councilor Bidwell agrees with the spirit of the suggestion. Councilor Bidwell preferred to skip the August meeting; this meeting will be removed from the committee's calendar noting that if unforeseen circumstances arise, the committee will revisit this at a later time.

The committee will meet the fourth Monday in October due to the Columbus Day/Indigenous People's Day holiday on the third Monday.

The committee approved the calendar as amended on a voice vote of 4 Yes, 0 No.

In general the committee meets the third Monday of the month at 5:00 p.m. Below is a proposed schedule for 2017.

Monday, January 23, 2017 (Jan. 16 which is the third Monday is a City holiday)

Tuesday, February 21, 2017

Monday, March 20, 2017

Tuesday, April 18, 2017 (April 17 is a City holiday)

Monday, May 15, 2017

Monday, June 19, 2017

Monday, July 17, 2017

No meeting in August

Monday, September 18, 2017

Monday, October 23, 2017 (4th Monday)

Monday, November 20, 2017

Monday, December 18, 2017

5. Continue Discussion about CSR Findings and Next Steps

Councilor Sciarra reports that she and Councilor Bidwell met with Mayor Narkewicz. Based on what was discussed, Councilor Bidwell put together an outline for what might be a plan that includes recommendations from the committee. He points out that the document is nothing more than a starting point for a conversation; some of the items are still taking shape. He notes that his prepared document is more or less an outline of what a report of the committee's recommendations might look like. Councilor Bidwell thought there was a very helpful response from the Mayor regarding the notion of a task force addressing panhandling and at-risk population in downtown Northampton. His characterization of it is that the Mayor did acknowledge that there was a lot discussed about this issue and that he understands that the committee may feel compelled to do something. The Mayor recommended that rather than the committee taking the lead on pulling a task force together, perhaps it would be more appropriate for the committee to ask the Mayor to convene such a task force.

Councilor Sciarra noted that additionally the Mayor recognized that these are conversations with multiple departments that are happening in City Hall right now. The Mayor is not interested in seeing the committee duplicate efforts but it might be appropriate to indicate that committee's position about the issue.

Councilor Bidwell is relieved to hear the Mayor's perspective about this issue. He does feel that the Mayor in combination with other folks take a look at this issue. Perhaps what the committee needs to do regarding downtown economy per se is to do a combination of op-ed pieces and resolutions. These can be a way for the committee to discuss what it has learned and to identify what people can do to help the downtown economy. A lot of items fell into the category of "refer elsewhere", especially to Transportation and Parking Commission. Councilor Bidwell indicated that he has no vision about how the report should be written, but rather is something that the committee should talk about. He does not imagine the report to be lengthy. He notes that the committee did issue one report already which summarized the committee's process and included the minutes of the meetings.

Regarding wage theft legislation, Councilor Carney suggested that an update on the timeline may change some of the information in the report. It has taken time to gather all of the information and get feedback from the City Solicitor. It has been discussed that there are separations between the duties of the Mayor and the parts of wage theft legislation that are under City Council control. This subject can be looked at in four different areas:

- Licenses
- Procurement
- CPA
- T.I.F.

Councilor Carney explained that it was clear that the procurement piece and the T.I.F. piece is administered by the Mayor's Office and as a result these areas would fall under the Mayor's jurisdiction. All of the licenses, except those issued by the City Council, also fall under the Mayor's purview. Given this, Councilor Carney stated that the Mayor might be willing to draft an executive order similar to the one that was passed around to the committee. Attorney Seewald has drafted a possible executive order that would not be implemented until the pieces that the City Council needs to consider has been done. The City Council would require license applicants to attest to being in compliance with wage and hour laws. This would likely require an order to be passed. The second piece would be that an ordinance regarding CPA legislation would need to be implemented. This new legislation would require applicants to attest that they comply with wage and hour laws. There is some additional language that needs to be added before that ordinance can be brought forward and considered by the City Council. This additional language will add a stipulation that if an applicant for CPA funds was found not to be in compliance with wage and hour laws then the CPA grant money would need to be returned back to the City. The plan is for these pieces to go to the City Council on December 1st. From there they would go at least to Legislative Matters and possibly to Community Resources.

Councilor Klein indicated that Attorney Seewald suggested that the legislation need not go back to this committee and Councilor Klein agrees. She feels it would slow the process down quite a bit. (Clerk note: As a practical matter this legislation would not likely affect license applications until they are renewed in April.)

Councilor Sciarra inquired about the CPC application timeline. Councilor Carney was unsure; she notes however, that she had drafted what she thought was a complete document that could be used but members of the carpenter's union are hoping that additional references to state law could be added. This will affect the timeline for when the CPC guidelines are implemented.

Councilor Klein indicated that the CPC is meeting on the 7th of December. If the legislation were brought forward on December 1st it could be referred to the CPC, Community Resources, and then Legislative Matters could review the language at their January meeting. Then it would go back to City Council on January 19th. The Mayor will roll out the executive order at the same time.

Councilor Carney indicated that the form would be simple-it would require applicants to check off that they are in compliance with wage and hour laws. If not, then there would be an additional check to indicate that a wage bond was in place. If the application were for CPC funds, there would include statement indicating that if there is a breach of the terms specified then CPA funds would need to be returned to the City.

Councilor Klein indicated that at the last meeting there was a question about out-of-state companies and whether there could be follow-up with claims, particularly in out-of-state construction industries. Councilor Carney did not recall that there was an answer to that question.

Councilor Bidwell reflected that given the amount of time spent on this issue and hearing testimony about it, he feels that it would seem appropriate for the legislation to come back to this committee. He knows he will have questions about anything brought forward. Councilor Carney points out that the meatier portions of the wage and hour legislation will be addressed through an executive order. Unless the Mayor decides to put something in the form of an administrative order, it is not likely that an executive order would go to a Council committee. Councilor Bidwell hopes that the committee will have a chance to see an executive order before it is published, even informally. Councilor Carney indicated that there is a draft and if she is able to circulate it she will do so. Councilor Klein feels that the point Councilor Bidwell is making is a good one. It is her understanding that the Mayor is planning to unveil his executive order when the first reading of the Council legislation takes place. If there are questions that the committee has, then she hopes that they can be answered before it is introduced, even if it is informally. Councilor Carney stated that there are possibly questions even on the rough draft that was circulating. Councilor Bidwell specified that his questions address where investigative and enforcement responsibilities lie. He wants to be sure that no expectation exists that there is that capability at the City level. As Councilor Carney understands it the License Commission staff person is Cyndi Murphy. She administers all applications as they come in. Similarly as part of the application process there would be a form whereby an applicant would attest to compliance. If they have a finding, then they can secure a wage bond. Cyndi's job would be to confirm the two checkboxes. Councilor Bidwell asked if a member of the community comes forward to the Mayor and states that there is reason to believe that someone's information is not accurate. Councilor Carney indicated that the City would want to follow up on this issue. This would require a phone call to the AG's Office. The City personnel are not expected to conduct an investigation. If it is determined that there is truth to the fact that someone lied on their application then the License Commission would likely want to follow up on the matter. This does not create any mechanism for the City to get worker's wages back. It does give leverage for community groups to advocate on behalf of workers. If they know that there is a brewing situation where wages or overtime is not being paid, the community group could step in and address the issue with the employer. Part of the mediation could be the risk of losing a license if a finding is made.

Councilor Sciarra asked if there was anything that the Mayor's Office needed to provide to trigger an investigation. Councilor Carney indicated that the AG's Office is going to take communications from cities and towns very seriously. Having the complaints come from municipalities may be a way to have the cases bubble to the top more quickly. Councilor Klein restated the question about how much work this would entail for the City. Councilor Carney does not know the answer to that question; the City may be asked to complete a form, make a phone call or send an e-mail to the AG's office. Councilor Carney feels that it is the process of establishing a relationship between the City and the AGs Office that will prove most valuable as time goes on.

Councilor Sciarra wondered what will keep a complaint from the City from falling through the cracks. If the City, for example, says that there is an allegation about a certain business, but the City doesn't provide proof, what are the assurances that the issue will be investigated? Councilor Carney has been told by former AG staffer Jocelyn Jones that it is about creating relationships with the AGs office; it's the calls from cities and towns that will push along a case. They do acknowledge that cases take time to address the concerns. Councilor Bidwell indicated that perhaps something can be learned about procedures and protocols from those cities and towns that have already passed legislation. Councilor Klein agreed to contact the AGs office to find out who the person or people are that the City should talk to better understand what process they might be using with other communities. She can also inquire about what kind of a system the City would have to set up to "check-in" on a periodic basis. She will bring this information to the next meeting.

Councilor Bidwell is on board with the spirit of what is intended. He would, however, like to better understand the mechanics of it. He would also like for there to be a clear understanding of what the City can and cannot do.

Councilor Carney feels that the City can make it clear that people who violate wage and hour laws will not be entitled to T.I.F's, CPA grants or licenses. The City can do this to the best of its ability by its application process for these things.

Councilor Klein specified that the City would not be taking allegations from people. People who have issues would still be required to file complaints with the AG's Office. What the City is doing is asking companies that are coming for licenses whether or not they have an existing claim against them. It is not the City's responsibility to manage allegations.

Councilor Carney is hopeful that as time goes by there may be a way for the Mayor's Office to take complaints and forward them along to the AG's office. Alternatively, they could put a person in touch with someone at the AG's office while keeping the information available about the complaint. The captured data may prove useful in the future.

Regarding "Arts", Councilor Sciarra informed the group that, according to the Mayor, many of Arts agencies get together on a periodic basis. There have been times when these organizations have collaborated on different initiatives, such as when the Cultural District was established. However, there is still the interest in promoting, publicizing and making known all that is done for arts and culture. It might be useful to understand what the City does and the different ways that people can get involved.

Councilor Klein recalled that at the last meeting the committee talked about different models that might be used to move forward. She tried to convey this a couple of times as she felt the committee was being presumptuous about convening the interested parties. The Mayor also said that these different Arts organizations do have different reasons that they meet and work together. She wonders how the City Council or this committee bolster or engage with those efforts; or amplify what is already being done. One of the things that was talked about was having someone from this committee be the liaison to the bodies that are already meeting. This model is worthy of investigation concerning how contributions can be made by the Council or committee. Or, alternatively, someone from those committees can be a liaison to the Council or this committee. When the Social Services Committee was an active committee, representatives from the Arts Trust, and the Center for the Arts came to those committee meetings and discussed what was going on. They also were invited to the City Council meetings to give an update about events and programs. Councilor Klein would like the committee to think more creatively about how the committee can concretely help and what recommendations can be made to City staff and Mayor to help amplify the work of these organizations.

At the last meeting Councilor Klein stated that she would be in touch with Arts organization reps to see what they wanted and what forums they are meeting in and whether they wanted a Council rep to come to their meetings. If the committee wants to move forward with that process, Councilor Klein is willing to proceed along those lines.

Councilor Carney also recalled that in the past there was a committee that was dedicated to arts and culture. That committee got "absorbed" into the Social Services, Veterans Culture and Recreation committee. She notes that it would be helpful to find out if the organizations find committee participation helpful. Councilor Sciarra reflected that having sat on that committee, she recalls that organizations came and presented and indicated that they wanted more from the City; however, specific needs were not identified.

Councilor Bidwell remembered that he had suggested the notion of a forum; it might make better sense to have a meeting of this committee that is devoted to arts and downtown events and marketing and promotion of the same. He feels that based on his conversations with others that there are certain gaps. There is an effort regarding regional tourism; however, there is not an effort to promote downtown tourism. It might be worthwhile to have relevant groups be in the room at the same time to talk about a comprehensive downtown marketing strategy. Questions will likely center around "What will it take; the answer will likely be "money". Then this will perhaps be the opportunity to explore options, such as, can we dedicate (liquor license) revenue to marketing for downtown events? Other revenue streams can also be looked at where some portion of that revenue be dedicated to something. If combined with media attention, this could result in a master calendar of events coming up in the next year combined with

opportunities for volunteering. One meeting may not be enough to address this topic, but it might be a jumping off point.

Councilor Klein asked about the focus of the D.N.A. Councilor Bidwell's impression is that the D.N.A. wants to address "marketing strategy" in their second or third year of operation. Councilor Bidwell feels that there is a comprehensive marketing plan for downtown Northampton. The regional tourism council has some experience, but they have a broader purview. They gather a great deal of data about shoppers. By using credit card receipts a profile of where people are coming from is available. To have that information available would be of some use. This might tie into a marketing strategy. Councilor Bidwell is suggesting that the Council raise the question about whether it made sense for there to be a downtown marketing strategy. Perhaps help could be given by exploring revenue streams to see what was possible.

Councilor Klein reflected that the outline provided by Councilor Bidwell is quite comprehensive. She would not like to see a whole lot more work done in this area. Some of the bullet points could be flushed out and some of the decisions that are made here could be added, but the list is a nice beginning to a final report.

Councilor Bidwell wondered if the committee should come up with a report that includes all of the recommendations in his outline or if it is better to jump ahead and ask the Mayor to cooperate in the development of a meeting of this committee dedicated to these arts and events organizations. Councilor Bidwell would be happy to coordinate pieces that will go into a full report from the committee; however, he has no intent to write the final full report. Councilor Carney does not believe a full report is required. The committee can seek the support of the Mayor; convene a one-time board; detail the conversation details with the Mayor; etc. Councilor Sciarra would like a final report; she feels it will give closure to the entire process of the Committee Study Request. The bullets of Councilor Bidwell's outline can be flushed out further to re-cap certain points and make certain requests of the Mayor in the final report. She recognizes that more work still needs to be done as a committee but the report will close out the CSR. Councilor Sciarra would be willing to work on portions of the final report. Councilor Sciarra points out that not all actions need to be completed before the report is submitted.

Councilor Klein indicated that Councilor Bidwell's document feels like the beginning of a strategic plan of what can be done. It seems like the next step is defining planned action for each category. She feels that the report doesn't have to be developed much beyond what is already written. The report would indicate what the committee considered and then spell out what the recommendations of the committee would be and how the committee will move forward. Perhaps next August or September the committee could write up a summary about what it has achieved.

Councilor Bidwell would be happy to work with Councilor Sciarra to flush out a final report. He suggested that Councilor Klein could address the arts piece and come up with recommendations for the final report. This may entail working with other members of the community, including Suzanne Beck and Brian Foote. He proposed that this small group explore whether coming together and discussing the suggested topics would make sense. Councilor Klein proposes to convene a meeting with five or six people and pose the question of what they would prefer: a one-shot meeting with these topics or on-going conversations.

Councilor Klein reflected that she would like to talk about the issue of downtown panhandling and the subject of at-risk people without panhandling being the centerpiece of what the committee is trying to get at. People who are doing the best that they can but having rough circumstances should be addressed. The issue should focus on ways to address the needs and not on the issue of panhandling. Councilor Klein feels that this is reductionist and this is problematic for her. Councilor Sciarra expressed that this is hard because the larger conversation is outside of the committee's control. She would like for any discussions that the committee have be broader than "panhandling". The work that is underway according to the Mayor has those elements in it. In the committee's report the recommendation can stipulate that this how the committee would like it to be framed.

Councilor Klein feels that there is a difference between approaching people with compassion and approaching people with a pejorative shaming and framing. When panhandling is used as the first approach it is seen as shaming and pejorative. She feels that part of the leadership that the committee can show and use is to shift the way that the

committee talks about it. She does acknowledge that there are many people who are upset with “panhandlers”. However, she speaks from a place of compassion for the people who are in a position where they are asking for money on the street.

Councilor Bidwell acknowledged what Councilor Klein said, however, he feels that the committee cannot be blind to the fact that in addition to Northampton residents who are experiencing hardship and addiction and illnesses and health issues, there is a growing percentage who are not Northampton residents and are not homeless. They set up shop for the day for regular “office hours”. They create a presence that is not welcoming. The messaging of this issue is incredibly complicated. To convey compassion and eagerness to provide assistance and services is one thing, but also acknowledging that there is something else going on as well. Councilor Bidwell feels that both need to be addressed.

Councilor Carney recalled that as a Council this issue has been dealt with a couple of times. She feels that the one can get caught up in whether the people on the street are residents of the City. They still have a constitutional right to panhandle, ask for money, and solicit on the streets. This is one of the reasons why Councilor Carney wrote the vibrant sidewalks resolution. As a community they are part of our streets and part of the street culture. The needs of those who are at-risk should be addressed. The needs of businesses should also be addressed. Councilor Carney feels that “we” are bending over backward trying to do what can be done to address the needs of the downtown economy. As long as the premise exists that one of the things is to acknowledge the “problem” of panhandling and framing it in those terms, we will continue to see this come back as something that we should do. It is easy to presume that we should help the people who are at-risk so that they no longer need to panhandle. However, there are people who may not need the money but feel compelled to panhandle for some other reason. In other cultures it is required to ask and give money as a religious premise. There are business owners who have an issue with panhandling. However, you cannot take away someone’s right to ask for money on a public street or sidewalk.

Councilor Bidwell stated that he is not aware of anyone who would like to put forward any kind of resolution or suggestion that the right to ask for money be taken away. In the spirit of some of the alternative approaches taken in other cities, the City has the right to produce a program that provides people walking the streets with an alternative way to support at-risk people. People can give directly or give to a fund that will directly go to mental health services, health services, etc. The approach could take advantage of technology, for example, texting a contribution. What that may do would affect the cash flow of the people on the street directly asking for money. It would be totally up to the person walking down the street to decide to donate money or not.

Councilor Carney indicated that about six or eight years ago there was a campaign to stop giving to panhandlers. The unfortunate part is that you don’t know how the money is being used. She recalled that there was a counter attempt to to protest against giving money to businesses because one could not be sure that the businesses weren’t using it to go to Foxwoods. Councilor Carney recognizes that giving people an alternative if they should choose to be charitable has its merits. There could be a publicized way to collect money that would be funneled to organizations that help people. Councilor Bidwell hopes that the messaging will be better than the last time this was tried. Councilor Bidwell suggested that the level of seriousness of the panhandling issue would suggest that it is time to address this issue again, but with a better message. He feels that Peg Keller would agree with this. He doesn’t suggest the Council be seated around the table but it may be appropriate to officially recommend to the Mayor that he build on the interest that is out there and convene such a group. The committee could suggest some topics for that group. Councilor Bidwell believes that if there were some encouragement and blessing from the Council, this suggestion would be given a little boost. Councilor Carney feels that the only issue is that she feels that “panhandling” should not be labeled as a problem. She feels that what can be said is that certain people, like business owners, residents, etc. have issues or problems with people panhandling on the streets. It needs to be clearly stated that the right to panhandling exists. It has already been stated in a resolution that panhandlers contribute to the downtown vibrancy..

Councilor Bidwell feels that none of the proposals that are being looked at appear to be inconsistent with the spirit of a vibrant sidewalk. Councilor Carney points out that the wording in the recommendations is important. A

recommendation to only decrease panhandling would be contrary to the spirit of the vibrant sidewalk resolution. She notes that it is important to say that we respect the right of panhandlers to be on the street.

Councilor Klein said that this reminds her of talking about the prison population. Ninety five percent of women who are incarcerated have been sexually abused as children or have been raped as adults. We also know that people who suffer from mental illness have all kinds of intensely adverse experiences in their lives. We as a society are very good at responding after the fact, far down the line when people start exhibiting behaviors, whether they are criminal behaviors or panhandling behaviors or mental illnesses. There are value judgments attached to the way in which we respond. In Councilor Klein's opinion there is not enough focus on what happened in people's lives to get to this point. When we start talking about reducing the number of panhandlers we are devaluing their lives and what they have been through and brought them to the point of doing something that is "socially acceptable". Councilor Klein does not want to be a part of that. She feels that the Council needs to think clearly about what our values are about people and what we as a society can do to keep people safe and get everything that they need as they are coming up in the world so they are not resorting to criminal behaviors, panhandling behaviors, mental illness issues, etc. That to Councilor Klein is a foundational piece to how she would like to have the issue talked about. The way in which we are devaluing the people who, for whatever reason, are doing something on the streets that is not socially acceptable, they are on a long path to get to that place. Councilor Klein does not want to be a part of this framing and feels that we have to think really hard about how it would be framed in the future.

Councilor Sciarra asked if it would be okay if she attempted to frame this subject and then at the next meeting the committee could revise what she brings to the table. She would like to be able to put together a report that everyone feels comfortable with. The committee agreed.

Councilor Klein expressed concern that her example that 95% of women incarcerated were sexually abused at some point in their life might be misconstrued as suggesting that panhandlers were sexually abused. She had intended her example to suggest that society tends to react to situations rather than take proactive steps to prevent.

Councilor Sciarra restated that she and Councilor Bidwell will attempt to pull together a final report to be reviewed at the December meeting. This will hopefully complete the CSR and give a clear path for action. Councilor Sciarra would prefer that the report be completed before any further actions are taken by committee members.

6. New Business

None

7. Adjourn

At 6:25 pm Councilor Bidwell motioned to adjourn the meeting; Councilor Carney seconded the motion. The motion as approved on a voice vote of 4 Yes, 0 No.

Prepared By:

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